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PATENT
Attorney Docket No.: 23070-086121US
HS/AS

Assistant Commissioner for Patents
Washington, D.C. 20231

On March 19, 2001

TOWNSEND and TOWNSEND and CREW LLP

By: Jay M. Marshall

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Fischer *et. al.*

Application No.: Attached herewith

Filed: March 19, 2001

For: NUCLEIC ACIDS THAT
CONTROL SEED AND FRUIT
DEVELOPMENT IN PLANTS

Examiner: Not yet assigned

Art Unit: Not yet assigned

PRELIMINARY AMENDMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The application accompanying this Amendment is a continuation of U.S. Patent Application No. 09/177,249, under examination of Examiner A. Mehta of Art Unit 1638. Prior to examination of the above-referenced application, please enter the following amendments and remarks.

IN THE CLAIMS:

Please cancel claims 3 and 16.

Please amend claims 1, 2, 6, 8, 9, 11, 14, 15, 17 and 19 as follows.

Please add claims 22-24 as follows.

Sub 235 1. (Amended) An isolated double-stranded nucleic acid molecule comprising a *FIE* polynucleotide encoding a polypeptide at least 60% identical to SEQ ID NO:4.

2. (Amended) The isolated nucleic acid molecule of claim 1, wherein the *FIE* polynucleotide is at least about 100 nucleotides in length.